

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1529 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JAYANTILAL DHAMJIBHAI BAVARIA

Versus

REGIONAL TRANSPORT OFFICER

Appearance:

M/S THAKKAR ASSOC. for Petitioner
MR MR ANAND, LD. PP. with MR ND GOHIL, LD. APP. for
Respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 25/11/96

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. MR Anand,
Ld. PP with Mr. ND Gohil, Ld. APP for the respondents.

2. Heard. The main grievance of the respondent is with regard to likelihood of petitioner changing the plate on the chasis or any other part or parts of the vehicle in question. For that purpose the respondents

are set at liberty to have the photographs taken and Panchnama made before the vehicle in question is released as per this order. However, in the facts of the case, following order is passed :-

The vehicle in question is directed to be released on following conditions :

- (1) The petitioner pays up 50% of the amount of tax and penalty payable in respect of the vehicle in question forthwith. This will be without prejudice to the petitioner's rights and contentions with regard to the amount so paid.
- (2) The petitioner shall file undertaking before this Court that remaining 50% of the amount of tax and penalty shall be paid within two weeks from the date of release of vehicle in question. It is made clear that if the petitioner commits default in making payment of such 50% of the amount it would be open to the respondents to seize the vehicle once-again. Such payment shall also be without prejudice to the rights and contentions of the petitioner.
- (3) The petitioner shall not indulge himself or the vehicle in any similar offence.
- (4) The vehicle shall not be used in contravention of the terms and conditions of the permit and law.

Rule made absolute only in the aforesaid terms.
D.S.P.

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